



United States
Department of
Agriculture

Forest
Service

Mt. Baker-Snoqualmie
National Forest
Supervisor's Office

2930 Wetmore Avenue, Suite 3A
Everett, WA 98201
(425) 783-6000

File Code: 1570

Date: April 20, 2012

Shari Brewer
PO Box 701
Darrington, WA 98241

**CERTIFIED MAIL – RETURN
RECEIPT REQUESTED
NUMBER:**

Dear Ms. Brewer:

This constitutes my decision, pursuant to 36 CFR 215.18(b)(1), on your appeal (#12-06-05-08-215) of District Ranger Peter Forbes' Decision Notice (DN) and Finding of No Significant Impact (FONSI) for the Suiattle Access and Travel Management Project Environmental Assessment (EA).

Background

Project Overview: On February 2, 2012, Peter Forbes, District Ranger for the Darrington Ranger District on the Mt. Baker-Snoqualmie National Forest signed a decision notice (DN) and finding of no significant impact (FONSI) for the Suiattle ATM Project EA. His decision to implement Alternative B Option 1, as modified includes:

- Decommissioning approximately 51 miles of National Forest System road no longer needed for forest management.
- Closing approximately 23 miles of National Forest System road to public access.
- Retaining approximately 26 miles of road open in Maintenance Level 2.
- Retaining approximately 30 miles of road open in Maintenance Level 3.
- Retaining approximately 10 miles of road open in Maintenance Level 4.
- Road stabilization, maintenance and upgrade will also occur.

Road 2703 from Milepost 1.7 to 6.8 will be closed and will receive treatment to minimize impacts to aquatic resources until such a time that funding is secured to maintain in through partnerships. If no funds are secured, the road will be decommissioned.

Pursuant to 36 CFR 215.17, an attempt was made to seek informal resolution of the appeal. The record indicates that informal resolution was not reached.

My review of this appeal has been conducted in accordance with 36 CFR 215.18, *Formal review and disposition procedures*. I have reviewed the appeal record, including the recommendations of the Appeal Reviewing Officer. A copy of his recommendation is enclosed. The Appeal Reviewing Officer focused his review on the appeal record and the issues that were raised in your appeal.



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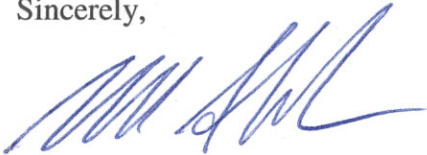


Appeal Decision

After a detailed review of the record and the Appeal Reviewing Officer's recommendation, I affirm the Responsible Official's decision for the Suiattle Project and deny your requested relief. This decision constitutes the final administrative determination of the Department of Agriculture [36 CFR 215.18(c)].

A copy of this letter will be posted on the national appeals web page at <http://www.fs.fed.us/appeals>.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MS', is written over the word 'Sincerely,'.

MICHAEL SCHLAFMANN
Public Services Staff Officer

cc: Curtis Spalding, Tasha J Lo Porto, Debbie Anderson, Maurice L Moss, Lillian M Compo



Forest
Service

Wallowa-Whitman
National Forest

Wallowa Valley Ranger District
201 East 2nd Street
P.O. Box 905
Joseph, OR 97846

File Code: 1570
Route To:

Date: April 18, 2012

Subject: Appeal Reviewing Officer Recommendation, Suiattle Access and Travel
Management Project

To: Mike Schlafmann, Acting Forest Supervisor, Mt. Baker-Snoqualmie National
Forest

On February 2, 2012, Peter Forbes, District Ranger for the Darrington Ranger District on the Mt. Baker-Snoqualmie National Forest signed a decision notice (DN) and finding of no significant impact (FONSI) for the Suiattle ATM Project Environmental Assessment. His decision to implement Alternative B Option 1, as modified includes:

- Decommissioning approximately 51 miles of National Forest System road no longer needed for forest management.
- Closing approximately 23 miles of National Forest System road to public access.
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- Road stabilization, maintenance and upgrade will also occur.

Road 2703 from Milepost 1.7 to 6.8 will be closed and will receive treatment to minimize impacts to aquatic resources until such a time that funding is secured to maintain in through partnerships. If not funds are secured, the road will be decommissioned.

One appeal (#12-06-05-08-215) was filed by Shari Brewer, who requested that the decision be withdrawn and that the project be modified to meet the sixteen objections raised in her appeal, that the project be revised to comply with law, regulation, policy and executive orders, and that Tribal Allotments be restored for the Sauk-Suiattle Tribe.

Review and Findings

My review was conducted in accordance with 36 CFR 215.19 to ensure that the analysis and decision are in compliance with applicable laws, regulations, policies, and orders. The appeal record, including the appellant's issues, has been thoroughly reviewed. Having reviewed the EA, DN/FONSI, and the project record as required by 36 CFR 215.19(b), I conclude the following:

1. The decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the decision.
2. The selected alternative will accomplish the purpose and need established. The purpose and need stated in the EA reflects consistency with the Forest Plan, as amended.



3. The decision is consistent with policy, direction, and supporting evidence. The record contains documentation regarding resource conditions and the Responsible Official's decision document is based on the record and reflects a reasonable conclusion.
4. The record reflects that the Responsible Official provided adequate opportunity for public participation during the analysis and decision making process. The Responsible Official's efforts allowed interested publics the opportunity to comment and be involved in the proposal. The Responsible Official documented his consideration of the appellant's comments as well as those of Tribal members, and modified his decision by not immediately decommissioning Road 2703, so that the Tribe and others could seek funding to keep the road open.

After considering the claims made by the appellant and reviewing the record, I found that the Responsible Official conducted a proper and public NEPA process that resulted in a decision that is consistent with the Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, as amended. I found no violations of law, regulations, or Forest Service policy.

Recommendation

After reviewing the appeal record, I recommend affirming the decision. I believe that the project documentation adequately supports the District Ranger's decision with regards to all appeal points raised by the appellant.

Enclosed with this memo are my responses to each appeal issue.



KENNETH J. GEBHARDT
Wallowa Valley District Ranger

cc: Debbie Anderson
Maurice L Moss
Lillian M Compo

**Suiattle Access and Travel Management (ATM) Plan
Environmental Assessment (EA)
Mt. Baker - Snoqualmie National Forest
Darrington Ranger District
Appeal Statements and Responses**

Appellant
Shari Brewer

Appeal Number
12-06-05-08-215

NEPA

Appellant Statement #1: Appellant states that the Forest Service failed to properly identify the purpose and need, scope, and issues. SB at 5.

Response: I find that the Responsible Official properly identified the Suiattle Access and Travel Management Plan's purpose and need, scope, and issues.

The Code of Federal Regulations (CFRs) at 36 CFR 220.7(b)(1) state that an EA must briefly state that need for the project. The need for action discusses the relationship between the desired condition and the existing condition in order to answer the question, "why consider taking any action."

In the EA, the Responsible Official described the purpose and need for action, which is based on the difference between current and desired conditions of resources in the project area. EA at 5. Specifically the EA states a need for minimized road impacts to riparian areas and aquatic conditions, as well as a need to maintain a road system to desired standards within expected future road maintenance budgets. EA at 5 and 6.

The Responsible Official also followed the regulation at 36 CFR 220.4(e) by conducting scoping on the project (EA at 6 and 7), which framed to scope of the analysis and identified issues that led to the development of an additional alternative that was considered in detail, Alternative B, Option 1. Overall, I find that the Responsible Official properly identified the purpose and need, scope, and issues related to the project.

Appellant Statement #2: Appellant states that the Forest Service's decision "is in error and not in accordance with legal requirements of the Administrative Procedure Act (APA), the National Environmental Policy Act (NEPA), 42 U.S.C. Part 4332(c), the Multiple Use Sustained Yield Act (MUSYA), Sec. 101 (43 U.S.C. 1791 note) (12), Sec. 103 (43 U.S.C. 1792) (d), the National Forest Management Act (NFMA), Travel Analysis Process (TAP) policy and these statutes' implementing regulations nor with policy as expressed in America's Great Outdoor (AGO) Initiative, Tribal government to government consultation and treaty rights." SB at 2 and 8.

Response: I find that the Responsible Official's decision complies with applicable laws, regulations, and policies.

In order for the Responsible Official's decision to be in error and not in accordance with the APA the Responsible Official's decision must have been arbitrary and capricious or an abuse of discretion. NEPA requires the Responsible Official to coordinate and integrate NEPA review and relevant environmental documents with agency decision making by: (1) Completing the environmental document review before making a decision on the proposal; (2) Considering environmental documents, public and agency comments (if any) on those documents, and

agency responses to those comments; (3) Including environmental documents, comments, and responses in the administrative record; (4) Considering the alternatives analyzed in environmental document(s) before rendering a decision on the proposal; and (5) Making a decision encompassed within the range of alternatives analyzed in the environmental documents. 36 CFR 220.4. A review of the record shows that the Responsible Official completed all five steps before he signed his decision, in compliance with NEPA and the APA.

When an EA and FONSI are prepared, the Responsible Official must document a decision to proceed with an action in a decision notice. 40 CFR 1508.13. A decision notice must document the conclusions drawn and the decision(s) made based on the supporting record, which includes the information documented in the EA. 36 CFR 220.7(c). Upon review of the DN, I find that the Responsible Official did document the conclusions drawn and used the record to support for those conclusions, in compliance with the APA. DN at 5-9.

The Responsible Official completed the review of the Suiattle Travel Management Plan before making his decision, which included reviewing all documents, public and agency comments, agency responses to those comments, and alternatives analyzed. The Responsible Official reviewed the project and determined that the proposed action is in accordance with Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan, as amended, thus complying with NEPA and NFMA. DN at 1.

The appellant did not cite a specific section of the MUSYA that she believes the District failed to consider. After I reviewed the MUSYA, I find that the Responsible Official did make his decision based on considering multiple uses. According to the MUSYA, multiple use means "The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output." After reading the decision notice, I find that the Responsible Official did consider how best to manage the land, without impairment of the land's productivity.

A review of the America's Great Outdoors Initiative shows that the initiative does not preclude road decommissioning, but instead encourages a grassroots approach to protecting lands and waters and connecting American's to their natural and cultural heritage. The Responsible Official solicited comments and responded to concerns by developing another alternative and ultimately modifying the decision to reflect consideration of the public's need to access the area.

Finally, the Responsible Official complied with the Travel Analysis Process (Forest Service Manual 7710.3) by completing a project level roads analysis, in addition to the forest level roads analysis prior to making his decision.

Appellant Statement #3: Appellant states that the Forest Service ignored the input from the local tribes when they asked that these roads be left open for access and that the Forest Service is in violation of Executive Order 13287 by not allowing contemporary use. SB at 2 and 8.

Response: I find that the Responsible Official considered the comments received from the Sauk-Suiattle Tribe and other entities, which the Responsible Official used to modify his decision.

The regulation at 36 CFR 220.4(c) outlines the agency's decision making process. The responsible official must consider environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments and include environmental documents, comments, and responses in the administrative record prior to making a decision. The regulation at 36 CFR 215.6(b)(1) requires the Responsible Official to consider all written and oral comments submitted.

The EA states that the "the District Ranger sent government to government scoping letter to the Indian Tribes." EA at 96. The Sauk-Suiattle Tribe sent a response on August 10, 2010 requesting that the Circle Peak Road 2703 be kept open so that they can continue to access this area to maintain their cultural practices. EA at 96. The Responsible Official considered the request from the Sauk-Suiattle Tribal Council that the Road 2703 be left open and that the proposed action be modified, and he reflected this consideration by giving the Sauk-Suiattle Tribe and other entities the opportunity to develop a funding source for road repair and upgrade to meet Forest Plan standard and guidelines. DN at 1 and 6. If funding becomes available, then repair and upgrade of the road will occur and the road will be re-opened to the public. DN at 1. Therefore, I find that the Responsible Official considered the comments submitted by the Sauk-Suiattle Tribe and his decision reflects that consideration.

Appellant Statement #4: Appellant states that the Forest Service has not maintained adequate records of the input given to them regarding road management over the past 20 years, due to turnover in Forest Service staff. SB at 7. Appellant states that the Forest Service should keep an ongoing file of each road or groups of roads in a watershed that contains community input on the use of the roads so that past suggestions and comments are retained. SB at 7. Appellant further states that a study conducted in 1992 regarding closing the Suiattle River Roads #25 and #26 was not considered by the Forest.

Response: I find that the Responsible Official adequately considered comments submitted by the public and used the information available to him to determine impacts to the community and the environment.

The regulation at 36 CFR 215.6(b)(1) requires the Responsible Official to consider all written and oral comments submitted. The regulation at 36 CFR 220.4(c) outlines the agency's decision making process and states that the responsible official must consider environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments and include environmental documents, comments, and responses in the administrative record prior to making a decision.

Comments that are addressed in a response to comments are usually those comments that are within the scope of the proposed action, are specific to the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider. 36 CFR 215.2. Guidance for the consideration of comments is also provided in FSH 1509.12, 13.

The regulation at 36 CFR 215.6 requires the Responsible Official to hold a 30-day pre-decisional comment period in order to solicit and consider public and agency comments. Only those comments received during scoping or the 30-day comment period are considered. The

regulations do not require the Responsible Official to consider public input and comments received over the past 20 years that may not be relevant to the current proposal. In addition, the records management handbook that was in effect up until 2010 stated that documents used in support of project planning would be retained no longer than 15 years, thus 20 year old public comments would not normally be kept by the agency.

Appellant Statement #5: Appellant states that the Forest Service needs to take comments and input from the recreation and rural communities, including historical knowledge given to them by the tribes and others, and consider them as important as the scientific studies and computer modeling that they have included in the EA. SB at 10.

Response: I find that the Responsible Official did consider the comments received from the community members and Tribes who participated in the 30-day comment period.

The regulation at 36 CFR 220.4(e)(1) requires scoping for all Forest Service proposed actions. Scoping is defined as an early process for determining the scope of issues to be addressed and for identifying the significant issues (if any) related to the proposed project. 40 CFR 1501.7. The regulation at 36 CFR 215.6 requires the Responsible Official to hold a 30-day pre-decisional comment period in order to solicit and consider public and agency comments. The regulations also require the responsible official to consider environmental documents, public and agency comments (if any) on those documents, and agency responses to those comments and include environmental documents, comments, and responses in the administrative record prior to making a decision. 36 CFR 220.4(c).

In the EA, Appendix D Response to Comments, the Responsible Official documented all comments received during the 30-day comment period, considered the comments, and responded accordingly. Comments were received from individuals, organizations, and Tribes, and those comments specific to the project were considered and addressed in Appendix D. A review of the record indicates that the appellant submitted several attachments, including meeting notes and survey results. After reading these documents, I find that the no action alternative responds to the concerns raised almost 20 years ago and that the selected alternative, as modified, responds in part to many of the concerns that were raised in the past. Therefore, I find that the Responsible Official did consider the comments and input from those that chose to participate in the 30 day pre-decisional comment period, and also considered attachments containing historical information submitted by the appellant.

Recreation

Appellant Statement #6: Appellant states that the Forest Service recognizes that the quality of the dispersed recreation experience would decline and there would be more conflicts between users, but the Forest Service does not explain where these people could go as an alternative, nor does the Forest Service explain the mitigation for user conflicts and environmental impacts on existing sites that will experience more users as a result of this decision. SB at 5.

Response: I find that the responsible official did consider that recreational users would be displaced by identifying this as a significant issue and disclosing the potential impacts to users. I also find that the Responsible Official identified the potential for impacts to occur at those sites.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. For dispersed recreation, the responsible official determined that decommissioning Circle Creek Road was an issue with the public, as this action would reduce access to dispersed recreation areas. He identified two units of measure, total miles of open road available for dispersed recreation access, and increased miles to access Circle Peak. The EA at 89 states that there are currently 89 miles of road available for dispersed recreation opportunities in the Suittle watershed; under either action alternative, at least 66 to 71 miles of road would be maintained as open to the public. EA at 89. Under the selected alternative, as long as the Circle Creek Road was maintained, the miles to access Circle Peak would be maintained at about 2 miles; if the road is closed due to lack of maintenance that distance would increase to 8 miles. EA at 91. Four of the six main roads that access desired high-country dispersed recreation opportunities would be maintained as open. The EA at 90-91 describes the effect of closing roads by stating that people would drive to different areas, such as the Meadow Mountain Trailhead in order to access Circle Peak or Crystal Lake. Finally, the EA at 90-91 also documents that potential increases in hikers into the Glacier Peak Wilderness may lead to increased impacts to areas used for dispersed camping.

I also find that mitigation was identified in order to allow for continued dispersed camping opportunities. Appendix B to the decision notice (DN) and finding of no significant impact (FONSI) states that when decommissioning or treating closed roads, keep up to 150 feet at the beginning of the road open for dispersed camping opportunities, if conditions allow. This mitigation was specifically designated to minimize effects on dispersed recreationists. DN/FONSI Appendix B-4. Thus, I find that the responsible official did consider impacts to dispersed recreationists and potential impacts to the areas that people may move to as a result of road decommissioning.

Appellant Statement #7: Appellant states that the chart, listed under recreation, is misleading because there are several trails listed for stock; but appellant does not believe that most of the trails mentioned are safe for stock or historically have been used by stock and trails that stock can travel on more than likely have not been logged out. SB at 5 and 6. Appellant also states that the Forest Service failed to consult with the equestrian groups on this project. SB at 8.

Response: I find that the trails listed in the recreation specialist report are designated for use according to the primary objective for the trail, which is determined at the time the trail is constructed; as such, this determination is outside the scope of this project. I also find that the regularity of trail maintenance is outside the scope of the project, as it is determined by time, budget, and workforce capacity, which varies in a given year.

The Responsible Official followed appropriate scoping, notice and comment procedures in accordance with 40 CFR 1501.7 (scoping) and 36 CFR 215.5(b). The record indicates that the mailing list included over 300 names of potentially interested and affected persons, organizations, tribes, and governments. Appeal Record, Scoping Mailing Lists. Traildusters is the Everett Chapter of Backcountry Horseman of Washington and this group was included in the mailing list, thus it is evident that the District provided adequate opportunity for any interested organization or user, including equestrian groups, to provide input and comment on the project.

Appellant Statement #8: Appellant states the Forest Service hasn't done their homework on the value of the road for access to the local communities for recreation, gathering etc., and

that the cost to improve the road would be a good investment as the value of the road as an asset continues to increase over time. SB at 7. Appellant also states that the Forest Service should project future road costs out over a 100 year time period in order to appropriately amortize the value of the road. SB at 7.

Response: I find that the Responsible Official did consider the value of the road for recreation and other related uses.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. The recreation specialist information in the appeal record contains a document that lists the roads with the highest priority for keeping open based on recreation and other related uses. Appeal Record, Suiattle ATM. This document demonstrates that the value of the road relative to recreational uses was considered.

I also find that the Responsible Official demonstrated consideration of the public's need for road access and balanced that need with the need to minimize road impacts to riparian and aquatic conditions, and to maintain roads at desired standards within expected budgets. DN/FONSI at 7-9.

The EA at 105 discloses the cost of road maintenance and indicates that road maintenance costs approximately \$158,802 per year for the 35.7 miles of road in the project area. Multiplying that by 100 years would result in road maintenance costs of almost \$16 million dollars. It is not possible to speculate on the potential for those same roads to cause any environmental damage if they failed during that 100 year time period, nor is it possible to determine the cost of that damage or the cost to repair that damage. Thus, I find that the Responsible Official did not need to amortize road costs or predict potential future repairs to make an informed decision.

Appellant Statement #9: Appellant states that Forest Service mileage is very misleading because closing Circle Peak Road #2703 will increase from a length of 3 miles roundtrip to over 12 miles roundtrip, and that the Forest Service uses one way mileages and not round trip. SB at 8. Appellant also states the trail mileages listed on the entire forest must reflect the mileage from the nearest road for motorized access, which the Forest Service has failed to do. SB at 8.

Response: I find that the Responsible Official documented adequate information regarding the trail lengths.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. The EA at 89-92 documents the distances that people would have to drive to access trailheads and the distances people would have to hike to reach destinations. The text indicates that they would hike a specific distance to get to their destination. There are no laws or regulations stating that the disclosure needs to be displayed in round-trip mileage; thus readers can calculate round-trip mileage by doubling the distances displayed in the EA.

I also find that the disclosure does indicate the distances people would have to hike once the road ended. For example, the EA at 91 states that people would drive the 29 miles of road from Darrington to reach the trailhead with parking and hike 2 miles to Circle Peak.

Appellant Statement #10: Appellant states that the Forest Service has failed to do a comprehensive study on what trails and roads are available today for public use to determine how many day hikes are left, what the carrying capacity is for the wilderness areas, what huckleberry fields can be reached and what areas are open for snowmobiling. SB at 8 and 9.

Response: I find that the District provided adequate information regarding day hikes, impacts to wilderness, and huckleberry gathering. I also find that snowmobile use is outside the scope of the project.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. The EA at 89-92 displays the potential impacts to recreation-related resources, including hiking, wilderness, and huckleberry picking. In addition, the cumulative effects discussion in the EA at 92 states that there are no additional projects that could contribute to cumulative effects to recreation users. The EA also states that the total amount of roads open for dispersed users on the District is 66 miles, or about 47% of the road system. The EA further states that because of reduced access, the potential for conflicts between users would increase.

The response to comments at D-26 also describes what user to high elevation sites would remain on the District. Specifically, road access to Grade Creek, Tenas Creek, Green Mountain and Rat Trap Pass would be maintained to allow access to high elevation areas, which would provide access for huckleberry gathering and other dispersed recreation.

Hydrology/Aquatic

Appellant Statement #11: Appellant states that the fish report of Suiattle ATM is very lacking in information, as there are no actual studies or water quality samples that have been done on any streams in the Suiattle River drainage. SB at 6 and 9. Appellant states that an email from Peter Forbes states that actual stream surveys have not been done and that the fish can only travel 1/3 mile up Circle Creek. SB at 9. Appellant also states that other components of the fish report which are lacking are the impacts of ocean conditions and over fishing. SB at 9.

Response: I find that the information displayed in the EA regarding fisheries and water quality was sufficient to inform the responsible official prior to his decision.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. The EA at 34-55 describes the affected environment and environmental effects to water quality and fisheries. This analysis is supported by the information found in the specialist reports, located in the appeal record. The record indicates that the Washington Department of Fish and Wildlife conducts spawning ground surveys and supplies this information to the District, which supports the analysis in the EA. Appeal Record, Fisheries Report at 8. I also find that the EA incorporated by reference the project record, which includes the Suiattle Watershed Analysis which fully describes the existing condition of the watershed for both hydrology and fisheries.

The response to comments at D-19 addressed appellants concerns regarding ocean conditions and over fishing. Specifically, the response states that “sustainable population levels of salmon depend on many aspects of fresh and saltwater habitats and responsible harvest levels. However, only actions with direct or indirect effects to freshwater habitats within the Suiattle watershed are within the scope of this analysis (EA p. 21).” Ocean conditions and over-fishing are also addressed in the Biological Assessment for “Fish Habitat

Restoration Activities Affecting ESA and MSA-listed Animal and Plant Species found in Oregon and Washington” which is also part of the appeal record. Appeal Record, Biological Assessment for Fisheries.

Appellant Statement #12: Appellant states that the Aquatic Conservation Strategy (ACS) does not include any mention of actual fish count, fish escapement, types of fish in each creek, etc. SB at 6. Appellant also states that there are no actual numbers of the kind of fish, how many, or where are they located as it refers to aquatics in the Suiattle drainage. SB at 10.

Response: I find that the analysis of the ACS objectives does not require actual fish counts, escapements, or other quantitative data. I also find that the EA incorporated by reference the project record, which includes the Suiattle Watershed Analysis which fully describes the existing condition of the watershed for both hydrology and fisheries.

The Aquatic Conservation Strategy was developed to “restore and maintain the ecological health of watersheds and aquatic ecosystems contained within them on public lands. The strategy would protect salmon and steelhead habitat on federal lands managed by the Forest Service and Bureau of Land Management within the range of Pacific Ocean anadromy.” Northwest Forest Plan Record of Decision, B-9.

The intent of the ACS analysis is to ensure that the responsible official finds that the proposed management activity is consistent with the Aquatic Conservation Strategy objectives and that he has used the results of watershed analysis to support the finding. This project complies with the ACS by basing the EA on information contained in the Suiattle Watershed Analysis. EA at 35 and 51.

Appellant Statement #13: Appellant states that the Suiattle ATM is very inadequate in information in order to make an assumption that siltation from the roads are going to harm the fish. SB at 10. Appellant states that other aquatics does not include comprehensive studies done on actual on the ground truth, but the studies noted are based on computer modeling and habitat assumptions. SB at 10.

Response: I find that the EA incorporated by reference the project record, which includes the Suiattle Watershed Analysis that fully describes the existing condition of the watershed for both hydrology and fisheries.

The regulation at 36 CFR 220.7(b)(3)(iv) directs the agency to discuss the direct, indirect, and cumulative impacts of the proposed action and any alternatives. In addition, Forest Service guidance on the use of best available science (June 20, 2007) was followed during project planning.

The EA summarizes information found in the watershed analysis and documents the potential for sediment to reach the streams. EA at 39-43. The watershed analysis documents the on-the-ground information that was collected for the watershed, as well as the computer modeling that was conducted to determine where slope stability was an issue. Suiattle Watershed Analysis at Chapter 2 – Aquatic Ecosystems Pages 3 and 4. Thus, I find that the field work conducted for the project (EA at 39, 41 and 50) along with Geographic Information Systems (GIS) analysis and computer modeling formed the basis for the effects disclosure found in the EA and was sufficiently detailed in order to inform the Responsible Official prior to making a decision.

Roads

Appellant Statement #14: Appellant states the ATM report has timber listed as the only legitimate use of the roads; Appellant questions the fact that recreation, gathering, etc., are not listed as legitimate uses. SB at 6.

Response: I find that the Responsible Official listed multiple uses of project area roads and described the impact of the project on those uses.

The ATM report states that “Most of the roads in the analysis area were constructed between the 1940’s and into the 1970’s to provide access for timber harvest and haul (see Table 1). The economic benefits of roads were seen as functioning connections to commodities such as timber, minerals, and recreational opportunities with potential users. Roads can also function to disconnect important features of the ecosystem.” Appeal Record, Engineering Specialist Report at 5. The ATM draws inference to timber but still recognizes the other legitimate uses of roads in the analysis area. The Responsible Official also describes the environmental consequences to these uses in the EA at 92. The Responsible Official recognizes the opportunities these roads provide and discloses the effects of the proposed action and alternatives on those opportunities. EA. at 88. The other opportunities and legitimate uses that are described in the EA consist primarily of Recreation (EA at 88-92) and Heritage and Treaty Resources (EA at 93-97). Therefore, I find that the Responsible Official described the multiple uses that Forest Service roads provide, and disclosed the impacts of the project on those uses.

Appellant Statement #15: Appellant states that the Forest Service does not clearly define what warrants a “public safety” issue. SB at 6.

Response: I find that the Responsible Official described what conditions constitutes a public safety issue.

In the Response to Comments at D-27, the Responsible Official stated: “All open and drivable Forest Roads are expected and required to be free of unexpected obstructions within the road’s traveled way or hazards that may impact the road and its users. Road prisms are expected to be in a stable and firm condition to support the various types of vehicle weight that the road is designed for and to be intact and free of loose or unstable materials that make contact within the traveled way.”

In the EA, the Responsible Official stated that insufficient funding to maintain the existing road system to minimum standards because of lack of maintenance combined with several large storm events, has contributed to road failures. EA at 6. Therefore, I find that the Responsible Official described what constituted as a public safety issue.

Appellant Statement #16: Appellant states the Forest Service does not define what “ongoing illegal maintenance” means and has not clearly communicated closure orders that have been implemented since 1995. SB at 6.

Response: I find that the reference to illegal maintenance made in the decision notice by the Responsible Official was used to describe activities occurring on the Bachelor Creek trail. The response to comments at D-23 addressed the Bachelor Creek Trail, which the Responsible Official decided to incorporate into the official trail system. A review of the response to the comments shows that the District stated that the original trail was dropped from the system in the 1990 Forest Plan, but that hikers have continued to use and maintain it. Trail maintenance

requires analysis under the National Environmental Policy Act (NEPA), and can be categorically excluded from analysis in an environmental assessment or environmental impact statement. Thus, the maintenance of a trail by a user group must be done with concurrence and oversight by the Forest Service, otherwise, it is considered to be 'illegal' maintenance because no NEPA analysis has occurred.

Closure orders that have occurred since 1995 are not within the scope of this project. Regardless, closure orders are described at 36 CFR 261.50 and are posted according to 36 CFR 261.51. At a minimum, the regulations require posting the closure orders at the local office and in "locations and such a manner as to reasonably bring the prohibition to the attention of the public."

Appellant Statement #17: Appellant states the Forest Service failed to recognize that fire must be suppressed no matter where it occurs on the forest. SB at 6 and 7.

Response: I find that the Responsible Official described the impacts of the alternatives pertaining to fire suppression.

The EA may discuss the impacts (direct, indirect, and cumulative) of alternatives together in a comparative description or describe the impacts of each separately. 36 CFR 220.7(b)(3)(iv). The EA must also describe the impacts of the proposed action and any alternatives in terms of context and intensity. 36 CFR 220.7(b)(3)(iii).

In the EA, the Responsible Official determined that the benefits of road access to suppression resources is typically $\frac{1}{4}$ mile or less, as terrain and fuels prevent effective ground resource penetration beyond that distance. EA at 99. Response to any fire more than $\frac{1}{4}$ mile from a road or trail will typically be from aerially delivered firefighters. EA at 99. The Responsible Official assessed the costs and benefits of the road system in terms of total acres protected by the road system, and calculated those acres by multiplying the linear distance modified by a $\frac{1}{2}$ mile buffer ($\frac{1}{4}$ mile on each side of the road). EA at 99. The Responsible Official recognized under the selected alternative that approximately 3,584 acres would have a net negative change due to previously closed roads with limited initial attack ability because of road closures. However, the proposed action would have a net positive change on 1,216 acres due to road closures that limit casual public activity. EA at 100. Approximately 25,250 acres would see a net neutral change due to officially closing roads that are currently inaccessible by the public and suppression resources, or by improving roads that are currently accessible by the public and suppression resources. EA at 100. Therefore, the Responsible Official recognized that the selected alternative would have an effect on fire suppression, and he disclosed those effects in the EA.

Appellant Statement #18: Appellant states that the Forest Service has not addressed the use of 4-wheelers or snowmobiles during the winter. SB at 6.

Response: I find that the Responsible Official was not required to address 4-wheeler or snowmobile use.

Comments that are addressed in a response to comments document are usually those comments that are within the scope of the proposed action, are specific to the proposed action, have a direct relationship to the proposed action and include supporting reasons for the Responsible Official to consider. 36 CFR 215.2. Guidance for the consideration of comments is also provided in FSH 1509.12, 13.

A review of the comments submitted during 30-day comment period indicates that the appellant commented on the need to use ATVs in order to access closed roads and trailheads. The District noted the comment made. A review of the alternatives considered, but eliminated from detailed study shows that the District considered an alternative that would decommission Road 26 and convert it to a trail. This alternative was not fully considered because it would not meet the purpose and need of the Forest Plan. EA at 21 and 22. Snowmobile use was not brought up as an issue or concern, and as such, is outside the scope of the project.

Maps

Appellant Statement #19: Appellant states that Forest Service does not furnish a map showing that more than 90% of the Suiattle watershed is already protected in the guise of National Park, Wilderness, Roadless Areas, Old Growth Reserve, and Tier I & II Watershed. SB at 6.

Response: I find that the Responsible Official included a map that depicted land allocations in the project area.

The Responsible Official included a merged land allocation map in the EA at 9. The merged land allocation map displays Late Successional Reserves, Adaptive Management Area, Private Land, Congressionally Withdrawn, Administrative Management Area, and Matrix. Therefore, I find that the Responsible Official provided adequate mapping to depict the land allocations within the scope of the project area.